

BEST AVAILABLE COPY

Atty. Dkt. No.

REMARKS

Applicant respectfully requests favorable consideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The Office Action mailed December 2, 2004 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-4, 7-10, 12 and 13 were pending in the application. Claims 8 and 13 have been amended. No claims have been canceled while new claim 14 has been added. Therefore, claims 1-4, 7-10, and 12-14 are pending in the application and submitted for reconsideration.

This amendment adds, changes or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

MINOR INFORMALITIES

Claims 8 and 13 have been amended to correct minor informalities. No new matter has been added.

SECTION 102 REJECTIONS

Claims 1-4 and 10 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Cavaan. Applicant respectfully traverses this rejection.

As noted by the Examiner, the inquiry step of claim 1 may be accomplished by either a direct transfer of money or a pledge. The Examiner, however, then alleges that a “pledge can read on merely a ‘sign’ or even an ‘indication.’” The Examiner further alleges that a “pledge is inherent in the ‘forum’” described in the sixth paragraph of page 2 of Cavaan.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, a judicial requirement for the doctrine of inherency is absolute certainty. *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017

(CAFC 1994). A pledge is not merely a “sign’ or “indication.” It is a binding commitment or promise to pay. *See, e.g., Webster’s New World Dictionary* 1037 (Victoria Neufeldt & David B. Guralnik eds., 1991); OneLook Dictionary Search, *available at* <http://www.onelook.com> (last visited Feb. 3, 2005) (copies attached). Further, the forum described in Cavaan is one in which “each nonprofit organization touted its program’s merits for 10 minutes and shared with potential investors its vision for its future.” (Cavaan at 1). As described in Cavaan, this is merely an introductory meeting in which the potential investors are under no obligation to provide money to any of the nonprofit organizations. (*Id.*)(reporting that “no checks were exchanged that night,” only “relationships were established”). Thus, a pledge is not inherent in the forum of Cavaan and, therefore, Cavaan does not anticipate claim 1 or any of its dependent claims.

SECTION 103 REJECTIONS

Claims 1-4, 7-10 and 12-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious by Cavaan in view of the Examiner’s official notice that it is well known in the art to transfer money via the internet.

Regarding claims 1-4 and 7-10, the Examiner alleges “a careful read of 7 and 8 shows that the language directed to the transfer of money is optional.” Claim 7 requires that the direct transfer of money comprises receiving a credit card debit authorization from a client while claim 8 requires that the direct transfer of money comprises payment of Internet cash to a solicitor. Both of these claims add additional limitations to the manner in which the money transfer is accomplished. They in no way make payment optional. As discussed in the response filed September 8, 2004, Cavaan only discloses a method of fund-raising for nonprofit agencies in which the nonprofit merely advertises its existence on the Craigslist website. After helping the nonprofits prepare business plans, the Criagslist forum arranges gatherings of small groups of nonprofits to present their business plans in person to the potential donors. (Cavaan at 1). No money is transferred through the website or at the small gatherings. In contrast, the method of the instant application is a direct method of funding projects. After evaluating the project on the website, the donor may donate or pledge to donate directly to the project through the website. The method does not require that the donor

and donees ever meet. There is no teaching or suggestion in Cavaan of *directly* transferring money or forming a binding commitment or promise to pay money to a project using the Internet. Therefore, Cavaan does not render claims 1-4 and 7-10 obvious.

Regarding claims 12-13, the Examiner states “the examiner took official notice that this feature [internet transfer of money] is well known to those skilled in the art and so too are reasons to combine this teachings.” However, in levying an obviousness rejection under 35 U.S.C. 103, the Examiner has the burden of establishing (1) some suggestion or motivation to modify the reference or to combine reference teachings, (2) a reasonable expectation of success, and (3) that the prior art references, when combined, teach or suggest all the claim limitations. *See MPEP §2143* (Aug. 2001, Latest Revision May 2004). In the present case, even if there was motivation to combine, the combination of Cavaan with the Internet transfer of money does not result in the claimed invention. The resulting combination still requires the donors and donees to meet in small gatherings to discuss the projects. In contrast, the present system allows the direct funding of projects. That is, the funding of projects without requiring the donors and donees to meet. Thus, the combination of Cavaan with the Examiner’s Official Notice of the transfer of money over the Internet does not render obvious claims 12 and 13 because it does not teach or suggest all of the limitations of claims 12 and 13.

CONCLUSION

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2228. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2228. If any extensions of time are needed for timely acceptance of

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papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2228.

Respectfully submitted,

Date 2/22/05

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lexicographical mentor
and friend

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ple-be-ian (plé'bé'ē-ən, plé'bé-ē-n) *n.* [*< L. plebeius < plebs, "PLEBS"*] 1 a member of the ancient Roman lower class; opposed to PATRICIAN 2 one of the common people 3 a vulgar, coarse person —*adj.* 1 of or characteristic of the lower class in ancient Rome or of the common people in any country 2 a) vulgar, coarse, or common b) common-place; ordinary —*ple-be'-ian-ism n.* —*ple-be'-ian-ly adv.*

pleb-scite (plé'bé-sít') *n.* [Fr *plébiscite* < L *plebiscitum* < *plebs*, *plebeians*] 1 a decree, neut. pp. of *scire*, to know; see SCIENCE 2 an expression of the people's will by direct ballot on a political issue, as in choosing between independent nationhood or affiliation with another nation —*pleb-is-cit-ary* (plé'bé-sít'ē-rē) *adj.*

plebs (plébz) *n., pl.* *plebes* (plé'béz) [*L.* akin to *plete*, to fill; for IE base see PLenty] 1 the lower class in ancient Roman society 2 the common people; the masses

plec-tog-nath (plékt'ōg'nāth') *n.* [*< ModL Plectognathus < Gr plekto-, twisted (< plekein, to braid); for IE base see GLAX) + gnathos, jaw; for IE base see CHIN*] any of an order (*Tetraodontiformes*) of bony fishes of warm seas, having a small mouth with powerful jaws and bony or spiny scales, as triggerfishes and trunkfishes —*adj.* of the plectognaths

plec-trum (plékt'rūm) *n., pl.* *trums* or *-tra (-tro)* [*L. < Gr plectron*, device for plucking the lyre; *< plesein*, to strike; see PLANT] a thin piece of metal, bone, plastic, etc., used for plucking the strings of a guitar, mandolin, etc. Also *plec-tron* (-trēn', trōn), *pl.* *-trs (-tro)*

pled (pled) *v.* [*& pp.* of *PLEAD*] 1 *pledge* (n.) 2 *pledged* (v.)

pledge (pledj) *n.* [*ME* *pledge* < OFr *pledge* < ML *plegium* < *plevium*, security, warranty, infl. by Frank *pligi*, liability, akin to OS *plegan*, to warrant] 1 the condition of being given or held as security for a contract, payment, etc. / a thing held in pledge 2 a person or thing given or held as security for the performance of a contract, as a guarantee of faith, etc.; something pawned; hostage 3 a token or earnest 4 a drinking to someone's health to express a good will or allegiance; toast 5 a promise or agreement 6 something promised, esp. money to be contributed by regular payments 7 a person undergoing a trial period before formal initiation into a fraternity, sorority, etc. —*v.t.* pledged, pledging 1 to present as security or guarantee, esp. for the repayment of a loan; pawn 2 to drink a toast to 3 to bind by promise or agreement 4 to promise to give / to pledge allegiance; pledge money to a fund 5 to accept tentative membership in (a fraternity, etc.) 6 to accept as a PLEDGE (n. 7) —*take the pledge* to take a vow not to drink alcoholic liquor

SYN. —pledge applies to anything given as security for the performance of an act or contract or for the payment of a debt. If he gave her a ring as a pledge, earnest, in current usage, applies to anything given or done as an indication, promise, or assurance of more to follow / her early triumphs are an earnest of her success; token is used of anything serving or given as evidence of authority, genuineness, good faith, etc. / this watch is a token of our gratitude; pawn now usually refers to an article left as security for the money lent on it by a pawnbroker; hostage is applied to a person handed over as a pledge for the fulfilment of certain terms or one seized and kept to force others to comply with demands

pledgee (pledjē) *n.* a person to whom a pledge is delivered; distinguished from PLEDOOR

pledger (pledjēr) *n.* a person who pledges

pledget (pledjēt) *n.* [*??*] a small compress, sometimes medicated, used as a dressing for a wound or sore

pledgor (pledjōr, pledjōr') *n.* Law a person who delivers something as security; distinguished from PLEDOOR

plegia (plējē, -jā) [*ModL < Gr* *plegia* < *plegō*, to strike, skin to *plesein*, to strike; see *PLANT*] combining form, paraplegia, paraplegia

Pleïades (plāyād') [*Fr. see fol.*] a group of seven French poets of the 16th cent. who favored the use of classical forms —*n.* a small group, usually seven, of brilliant persons Also *pleïad* or *Pleiad* (plēyād')

Pleïades (plēdāz, plēdāz', -yāz-) [*ME* *Pliades* < L *Pleïades* < Gr *Πλειάδες*] Astron. a cluster of stars in the constellation Taurus, six of which are now readily visible and represent six daughters of Atlas, a seventh bright star (the *Lost Pleiad*) has apparently faded from sight since the original sightings —*n.* pl. sing. *Pleiad* (plēyād', -yād', plēdāz') *adj.* Gr. Myth. the seven daughters of Atlas and Pleione, placed by Zeus among the stars

plain-air (plān'ēr, Fr. *plaine*) *adj.* [*Fr. lit.* open air] designating, of, or in the manner of certain schools of French Impressionist painting of the late 19th cent., engaged mainly in representing observed effects of outdoor light and atmosphere —*plain-airism n.* —*plain-airist n.*

pleio- (plē'ēō, -ēō) combining form *PLEIO-* / *[pleiotropy]*

pleio-cone (plē'ēō sēn', plē'ēō) *adj.* *PILOCENE*

pleio-taxy (plē'ēō tāksē) *n.* [*PILO-* + *TAXY*, an arranging < Gr *taxis*; see TAXIS] Bot. an increase in the number of whorls in a flower

plei-o-tropy (plē'ēō trōpē) *n.* [*PILO- + -TROPY*] *Genetics* the condition in which a single gene exerts simultaneous effects on more than one character in the offspring Also *plei-o-tropism* —*plei-o-tropic* (plē'ēō trōp'ik) *adj.* —*plei-o-trop-i-cally adv.*

Pleis-to-cene (plē'ēō sēn', -tā-) *adj.* [*< Gr* *pleistos*, most, superl. of poly, much (see POLY-) + -CENE] designating or of the first epoch of the Quaternary Period in the Cenozoic Era, characterized by the spreading and recession of continental ice sheets and by the appearance of modern humans — the Pleistocene the Pleistocene Epoch or its rocks; see GEOLOGY, chart

plei-nary (plē'ēō rē, plē'ēōr') *adj.* [*LL* *plenarius* < *L. plenus, FULL*] 1 full, complete; absolute [plenary power] 2 for attendance, by all members (a plenary session) —*plei-na-rily* (-rē-lē) *adv.*

plei-ary indulgence R.C.Ch. an indulgence remitting in full the temporal punishment incurred by a sinner

plei-ipo-tent-i-ally (plē'ēō pō ten'shērē, -shērē, -pōrē) *adj.* [*ML*

plenipotentiarius < *LL plenipotens*, possessing full power < *L plenus, FULL* + *potensplenipotentiary*) —*n.* pl. *plies* a person, esp. a diplomatic agent, given full authority to act as representative of a government

plen-ish (plēn'ish) *vt.* [*ME plenissen* < *MF plenis*, pp. stem of *plenir*, to fill < *L plenus, FULL*] [Now Scot.] to fill up; stock

plen-i-tude (plēn'ē tūd', -tyōd') *n.* [*OFr. < L plenitudo < plenus, FULL*] 1 fullness; completeness 2 abundance; plenty

plen-i-ti-dous (plēn'ē tōd'ōs, -tyōd'ōs) *adj.* 1 marked by plenitude; abundant; full 2 stout; obese

plen-te-ous (plēn'ē əs) *adj.* [*ME plenteous* < *OFr. < plente, PLENTY*] 1 marked by or being in abundance; plentiful; copious 2 producing abundantly; fruitful; productive —*plen-te-ously adv.* —*plen-te-ous-ness n.*

plen-ti-ful (plēn'ē fūl) *adj.* 1 having or yielding plenty 2 sufficient or more than enough; abundant —*plen-ti-fuly adv.* —*plen-ti-ful-ness n.*

plen-i-tu-dine (plēn'ē tōd'ēn) *n.* [*plenteous*] implies a large or full supply / a plentiful supply of food; abundant implies a very plentiful or very large supply / a forest abundance in wild game; copious, how used chiefly with reference to quantity produced, used, etc., implies a rich or flowing abundance / a copious harvest, discharge, etc.; profuse implies a giving or pouring forth abundantly or lavishly, often to excess / profuse in his thanks; ample, applies to that which is large enough to meet all demands / his savings are ample to see him through this crisis —*ANT. scarce, scant*

plenty (plēn'ētē) *n., pl.* *ties* [*ME plente < MF plentē < plenus, FULL*] 1 prosperity; opulence 2 a sufficient supply; enough; in earlier use, with the article a plenty of food 3 a large number; many; *plenty of errors* —*adj.* [Coll.] plentiful; enough; ample [plenty time before lunch] —*adv.* [Coll.] fully; sufficiently; quite / plenty good /

plen-um (plēn'üm, n., pl. *ums* or *-ns (-na)* [*ModL < L. neut. of plenus, FULL*] 1 space filled with matter; opposed to VACUUM 2 fullness 3 a full or general assembly, as of all members of a legislative body 4 a) an enclosed volume of gas under greater pressure than that surrounding the container b) the state of this

pleio- (plē'ō, -ē) [*< Gr pleion, more; see PLEONASM*] combining form more / *pleiomorphism*

pleiochroite hal a dark-colored, microscopic ring around a minute radioactive particle in certain mineral crystals, used in estimating the age of the rocks containing these crystals

pleio-chroism (plē'ō kro'izm) *n.* [*PLEIO-* + *Gr chros*, color (see CHROSIS) + *ISM*] the property of some minerals of absorbing selectively various wavelengths of light and of displaying different colors when looked at in the direction of the different crystal axes —*pleio-chroitic* (-ō kro'ēt'ik) *adj.*

pleio-mor-phism (plē'ō mōr'fizm) *n.* [*PLEO-* + *MORPHISM*] + *-ISM*] 1 Biol. the occurrence of two or more forms in one life cycle 2 *POLYMORPHISM* (sense 2) —*pleio-mor-phic* or *pleio-mor-phous* (-mōr'fik) *adj.*

pleio-nasm (plē'ō naz'm, plē'ē) *n.* [*LL plenasmus < Gr pleonasmos < pleonazein*, to be in excess < *pleon*, neut. of *plenō*; more, compar. of *polys*, much; see POLY-] 1 the use of more words than are necessary for the expression of an idea; redundancy (Ex.: "plenty enough") 2 an instance of this 3 a redundant word or expression —*pleio-nas'tic adj.* —*pleio-nas'tically adv.*

pleio-pod (plē'ō pōd) *n.* [*< Gr plēon, pp. of plēin, to swim (< IE base *pleu-, to run, FLOW) + -pon*] Zool. any of the biramous appendages attached to the abdomen of higher crustaceans; swimmeret

pleio-saur (plē'ō sōr) *n.* [*< ModL Plesiosaurus < Gr plēios, close, near, akin to pelos, near (prob. < IE base *pel-, to push) + -saur*] any of an extinct group (order Sauropterygia) of large water reptiles of the Mesozoic Era, characterized by a small head, long neck, short tail, and four paddlelike limbs

pleis-o-sor (plē'ō sōr) *n.* *PLEXOR*

plei-tho-ri (plē'ō thōrē) *n.* [*ML < Gr plēthōrē < pleinhein, to be FULL*] 1 the state of being too full; overabundance; excess 2 an abnormal condition characterized by an excess of blood in the circulatory system or in some part of it

plei-thori (plē'ō thōrē) *adj.* 1 of or characterized by plethora / a plethoric speech —*plei-thori-cally adv.*

plei-thy-mo-graph (plē'ō thē'ō grāf) *n.* [*< Gr plēthymos, a multiplying < pleinhein, to increase < plēthys, a crowd (akin to plei-therē; see PLETHORA) + GRAPHEIN*] any of several instruments for measuring and recording various body functions, as the velocity or volume of blood flow, heart rate or breathing rate, changes in the size of organs or limbs, etc. —*plei-thy-mo-graphic* *adj.* —*plei-thy-mo-graphy* (plē'ō thē'ō grāfē) *n.*

pleiu-ral (plōōrē) *n., pl.* *rs (-s)* [*ML < Gr. rib, side*] the thin serous membrane that covers a lung and lines the chest cavity in mammals —*pleiu-ral* *adj.*

pleiu-riti (plōōrē sē) *n.* [*ME pleuresie < MF pleurise < LL pleuritis, for L pleuritis < Gr < pleura, rib, side*] inflammation of the pleura, characterized by difficult, painful breathing and often accompanied by the exudation of liquid into the chest cavity —*pleiu-ritic* (plōōrētik) *adj.*

at, ate, cár, ten, éve; is, ice; go, hörn, look, tool; oil, cut; up, fur, e for unstressed vowels, as in a, in, ago, u in focus; as in Latin (lat'ēn); chin; she 'th as in azure (az'ür); thin; the; n as in ring (rin) *In etymologies:* = unattested; - derived from; * from which * = Americanism

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Quick definitions (**pledge**)

- **noun:** a drink in honor of or to the health of a person or event
- **noun:** someone accepted for membership but not yet fully admitted to the group
- **noun:** a deposit of personal property as security for a debt
(Example: "His saxophone was in pledge")
- **noun:** a binding commitment to do or give or refrain from something
(Example: "Signed a pledge never to reveal the secret")
- **verb:** pay (an amount of money) as a contribution to a charity or service, especially at regular intervals
(Example: "I pledged \$10 a month to my favorite radio station")
- **verb:** promise solemnly and formally

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(Example: "*I pledge that will honor my wife*")

- ***verb***: bind or secure by a pledge (Example: "*I was pledged to silence*")
- ***verb***: give as a guarantee (Example: "*I pledge my honor*")
- ***verb***: propose a toast to

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